

Document ID Number: 2093

AR: Chalk Point Oil Spill

Title: Public Comments on Draft Restoration Plan

Public Comments on Draft Restoration Plan

Colvert City Airgrounds

First, thanks to the Coast Guard! This service provided outstanding leadership and contributed expertise based on experience. As a Patuxent River resident (W-14) and Restyn Creek our thanks are extended to the Unified Command and to PEPCo who together have worked very hard to alleviate an environmental tragedy that no one asked for nor expected. The efforts have produced visible results and deserve recognition and congratulations!

Questions:

1. the great unknowns are bothersome;
e.g. what is the length of effort necessary to finally say clean & healthy
2. what are the comparative results found in marine tissue samples taken at the time of the spill (April 2000) and samples in 2001 and now 2002

Where were the samples collected compared to the locations of the first samples

3. what has been arranged regarding river water quality e.g. using the records of the marine lab at Solomons compared to water quality

today I know samples are still being taken because I've seen their boat out twice this year sampling

4. Why ~~was~~ ^{were} the U. of Md. facilities at Benedict, (at least the students) not used or is there were not recognize
5. Are the clams being harvested now at W-14 and at the mouth of Rostlyn Creek being tested for petroleum concentrates or for benzene poisons
6. What information is available now re. concentration of petroleum by-product in crab fat, and in fin fish
7. is the ~~very~~ moderate show a function of the ~~mild~~ summers and winters or a function of time and not "fussing"
8. What about the muskrats? Rostlyn Creek wiped out of any

Beach Management Corporation
of Golden Beach
P.O. Box 142
Charlotte Hall, Maryland 20622

March 12, 2002

Claims Department
Potomac Electric Power Company
1900 Pennsylvania Avenue, NW
Washington, DC 20068

To Whom it May Concern:

BEMANCO submits this letter to request a status update to our claim number 150 given us regarding the Chalk Point oil spill of 7 April 2000. Mr. James Harris had previously represented us in the past but he is no longer a director of BEMANCO. I am Earl Sage, the current President of BEMANCO.

There was unusually rapid and significant erosion damage to BEMANCO community property at Long Point after the oil spill and resultant clean up operations. A significant section of marsh and shoreline located on the NW side of a recently installed revetment was washed away. We believe the oil spill and resultant cleanup operations caused a much more rapid rate of erosion than is normal for that area. It did significant damage to Mr. Glenn Elrod's adjoining property as well as ours.

On or about 7 June 2001 BEMANCO (James Harris and Earl Sage) and adjacent property owner (Glenn Elrod) met with PEPCO (Don Collison, Gary Beeson, and others) to review the damages. PEPCO officials agreed to take action to remedy the erosion and get back with both BEMANCO and Mr. Elrod.

BEMANCO believes that fair compensation would be restoration of the area back to its original state before the oil spill. If that is environmentally forbidden by law, then an adequate extension to our existing revetment would be required. Its design would have to be such that it would prevent future erosion from cutting through behind the existing revetment and forming an inaccessible island to what is now the community's favorite fishing site.

If you have any questions, please feel free to call me at 301-274-3266.

Sincerely,

A handwritten signature in cursive script that reads "Earl Sage".

Earl Sage, President

Beach Management Corporation
of Golden Beach
P.O. Box 142
Charlotte Hall, Maryland 20622

May 14, 2002

Mr. Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Bldg. 4
Silver Spring, Md. 22044

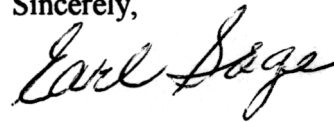
Dear Mr. Hoff:

In response to your request for input on the proposed Restoration Program, I am submitting this request to restore Long Point to its original state prior to the oil spill of 7 April 2000.

Enclosed is a copy of our letter of 12 March 2002 to PEPCO detailing the loss to the Long Point area and our expectations of the restoration efforts. My understanding is that the federal Oil Pollution Act of 1990 mandates that this injured natural resource be returned to pre-spill conditions.

If you have any questions, please feel free to call me at 301-274-3266

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Sage".

Earl Sage, President



BOARD OF

ST. MARY'S COUNTY COMMISSIONERS

P. O. BOX 653 • GOVERNMENTAL CENTER • LEONARDTOWN, MARYLAND 20650
(301) 475-4461

May 28, 2002

Mr. Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Bldg. 4
Silver Spring, Maryland 20910

Dear Mr. Hoff:

The Board of County Commissioners for St. Mary's County are very appreciative of the Trustees efforts to plan for the restoration of the Patuxent River following the oil spill in April of 2000. We thank the Trustees for their obvious hard work and collaborative effort that was called for from the four departments of government.

Commissioner Guazzo attended your briefing to the Patuxent River Commission on May 8 and John Norris, the County Attorney, attended the public hearing for the Draft Restoration Plan on May 15. Commissioner Guazzo briefed the other Commissioners at their meeting May 21. The Commissioners would have preferred that the citizens of the affected counties had more time than one week to study and prepare comments for the public hearing.

At this time, the Commissioners are generally supportive of the draft plan as presented. However, we are very interested in the citizens' input on the draft Restoration Plan. In order to be kept informed we respectfully request copies of the written comments as the Trustees receive them during the 60-day comment period that is effective until July 8, 2002. We thank you in advance and trust that you will be able to comply with our request.

Sincerely,
**BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND**

Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

BOCC/JAS:jas

T: /All/Consent/4203

blankinship comments
Subject: Comments on Chalk Point/Swanson Creek Oil Spill
Date: Tue, 28 May 2002 17:46:05 EDT
From: <Blankibr@aol.com>
To: James.Hoff@noaa.gov
CC: Blankibr@aol.com

Mr. Hoff,

I consider myself an aggrieved party because the damage precluded me from taking pleasure in kayaking that portion of the Patuxent River.

Each year I volunteer to take a group of kids from a local camp on an overnight kayaking trip on the Patuxent. It would be a wonderful remedy if the agencies involved decided to build some car-top boat access sites, preferably on both sides of the river.

while I would also love to see primitive camping sites (say a flat piece of ground and a porta-potties and possibly a water source) I would be happy with a place we could legally park vehicles, carry boats to the water and either have a beach, a ramp or simply a floating dock to launch from.

I request access to both sides of the river so paddlers can come from either Anne Arundel/Calvert County or Prince Georges/Charles County and enjoy the river.

Thank you for your consideration,

Brian Blankinship
West River, Maryland 20778-2101



**CALVERT COUNTY
BOARD OF COUNTY COMMISSIONERS**

Courthouse, 175 Main Street
Prince Frederick, Maryland 20678
Phone: (410) 535-1600 • (301) 855-1243

rec'd
JUN 5 2002

June 4, 2002

Ms. Cecelia Petro, Director
Information Resource Center
Maryland Department of Natural Resources
580 Taylor Ave., B-3
Annapolis, MD 21401

Board of Commissioners
David F. Hale
Linda L. Kelley
John Douglas Parran
Barbara A. Stinnett
Robert L. Swann

Dear Ms. Petro:

We have reviewed the *Restoration Plan And Environmental Assessment For The April 7, 2000, Oil Spill At Chalk Point* and are taking advantage of the public response period to submit our comments on the proposed projects related to lost recreational use. The oil spill was a traumatic event for those who live, recreate and work on the Patuxent River.

The Hallowing Point Boat Ramp, one of Calvert County's busiest boat ramps, served as the staging area for the clean-up effort, resulting in the loss of that facility's use for its intended purpose for an entire season. The allocation of \$453,500 for the loss of recreational use seems paltry compared to the cost of the clean-up and the loss to those whose livelihood is associated with the river. Our major concern is that of the funds allocated for the recreational use projects, only 10% were proposed for projects in Calvert County. Again, given the high impact to the Calvert County shoreline and loss of the use of Hallowing Point Boat Ramp, this hardly seems equitable.

We are satisfied that the trustees placed the projects at King's Landing Park on their list of "preferred" projects to be funded. It is unfortunate, however, that the two projects proposed at Jefferson Patterson Park are listed as "non-preferred." We particularly question your rationale for not granting more consideration for the proposed Boardwalk and Foot Trail at this location. This project appears to be similar to the one at Kings Landing Park and would complement our countywide goal to provide public access to the water. We urge you to reconsider this decision.

Finally, we respectfully request that you consider another project in Calvert County. There is a small site known as Nans Cove at Broomes Island that we own and have made improvements to, with support from the Department of Natural Resources. We believe that this location would make an excellent site to create access for canoe and kayak launching, which would appear to meet your criteria. An initial estimate for this project is \$35,000.

Ms. Cecelia Petro

June 4, 2002

Page Two

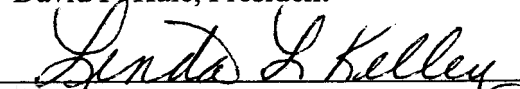
We applaud the efforts of PEPCO and the Natural Resource Trustee Agencies to restore both the natural habitats and recreational use lost during this tragic event and look forward to your timely response.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND



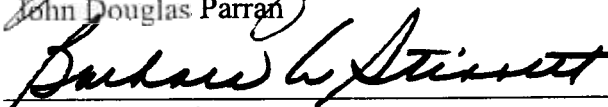
David F. Hale, President



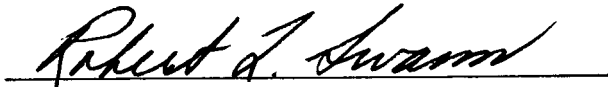
Linda L. Kelley, Vice-President



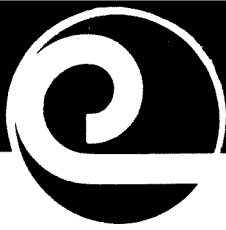
John Douglas Parran



Barbara A. Stinnett



Robert L. Swann



Calvert Soil Conservation District

Mailing Address: P.O. Box 657
Prince Frederick, MD 20678
Phone: (410) 535-1521, Ext. 3
FAX: (410) 535-0591

Location: Kaine Building, Room 106
65 Duke Street
Prince Frederick, MD 20678

DISTRICT BOARD

THOMAS D. BRISCOE, Chairman, St. Leonard, MD
WALTER L. WELLS, Vice-Chairman, Prince Frederick, MD
DAVID A. COX, Treasurer, Prince Frederick, MD

YOUNG D. HANCE, Prince Frederick, MD
GILBERT E. CHANEY, Dunkirk, MD
WILLIAM A. CLARK, District Manager

June 14, 2002

Mr. Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Building 4
Silver Spring, Maryland 20910

Dear Mr. Hoff:

Calvert Soil Conservation District has reviewed the draft "Restoration Plan and Environmental Assessment for the April 7, 2000 Oil Spill at Chalk Point on the Patuxent River, Maryland" (see attached). We would like to present the following comments for consideration.

- (1) The oil spill affected three counties on the Western side of the Patuxent River: Prince George's, Charles, and St. Mary's, while affecting Calvert County along the entire eastern side of the spill zone. Yet, of the 2.7 million dollars allotted to the restoration effort only forty-four thousand dollars is slated for a single project in Calvert County. This is not equitable. Calvert County received more environmental damage and, therefore, should receive more than the 1.5 percent of restoration funds now allotted to it in the draft plan.

To compensate for this, we would suggest that the "Integrated Wetland Restoration Project" at Battle Creek be reconsidered as a preferred project (Draft Plan Project #5.3.2.2). This project creates marsh habitat, protects riparian buffers, provides diamondback turtle nesting habitat, and contains several oyster reefs. The engineering for this project is complete, the contract documents and construction specifications have been written, and the project is ready to bid. The project meets or exceeds five of the six criteria used for selecting and evaluation projects and the cost is \$350,000. By adding this project to the restoration plan, we can regain a balance of equity between counties and provide additional natural resource benefits. Funding can be obtained through item 2 below.

- (2) We are very concerned that \$589,000 is to be used out of state to purchase nesting habitat easements in the Midwest. The spill occurred in the Patuxent River Watershed and the money for restoration should remain here. We find it hard to believe that the purchasing

of land easements in the Midwest will have a major impact on duck populations in the Patuxent Watershed. These monies can have a more significant impact if spent here in Maryland waters on projects that have a greater impact on the environment and the public. We recommend these monies be redirected to the many additional projects listed in the draft plan that were not approved due to lack of funding.

Thank you for the opportunity to comment on the draft plan. We hope that these and other comments from the Southern Maryland area will help in the formation of a final plan that will provide equity and promote environmental restoration in the Patuxent Watershed for generations to come.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Clark". The signature is fluid and cursive, with the first name "William" and last name "Clark" being clearly distinguishable.

William A. Clark
District Manager

cc: Senator Mike Miller
Delegate George Owings
Delegate Tony O'Donnell
Commissioner David Hale

RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT

for the April 7, 2000, Oil Spill at Chalk Point on the Patuxent River,
Maryland



Draft For Public Review and Comment

May 2002

National Oceanic and Atmospheric Administration

Maryland Department of Natural Resources

Maryland Department of the Environment

U.S. Fish and Wildlife Service





Calvert Soil Conservation District

Mailing Address: P.O. Box 657
Prince Frederick, MD 20678
Phone: (410) 535-1521, Ext. 3
FAX: (410) 535-0591

Location: Kaine Building, Room 106
65 Duke Street
Prince Frederick, MD 20678

DISTRICT BOARD

THOMAS D. BRISCOE, Chairman, St. Leonard, MD
WALTER L. WELLS, Vice-Chairman, Prince Frederick, MD
DAVID A. COX, Treasurer, Prince Frederick, MD

YOUNG D. HANCE, Prince Frederick, MD
GILBERT E. CHANEY, Dunkirk, MD
WILLIAM A. CLARK, District Manager

July 15, 2002

Mr. Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Building 4
Silver Spring, MD 20910

Dear Mr. Hoff:

This letter is a follow-up to our comments on the draft "Restoration Plan and Environmental Assessment for the April 7, 2000 oil spill at Chalk Point." As stated in our previous letter, we are very concerned that \$589,000 is being used for out-of-state projects when we have numerous in-state projects that could be funded.

I have included in this packet the complete construction plans for two projects in Calvert County that are fully designed and ready to go to bid. They include the Battle Creek Shoreline Project, which would create marsh and diamondback turtle habitat, protect riparian buffers, and create oyster reefs. The cost is estimated at \$350,000.

Also included in this packet are the plans for a nature trail at Solomons. The trail includes wetland habitat studies, wildlife and aquatic study areas, and recreation and public education opportunities. The estimated cost is \$300,000. The Department of the Navy has committed \$80,000 toward the total cost of the project, bringing the figure down to \$220,000. The Navy has already put an additional \$60,000 into the project by contracting to have all the signage completed for the trail. This would be a very good opportunity to create cooperative agreements between agencies to accomplish common environmental goals.

In summary, we have two projects totaling \$570,000 that are already designed and ready for construction in Calvert County and that can be funded with the \$589,000 that is proposed for an out-of-state project. The district can do the contract administration, bidding, and construction inspection for both of these projects and provide NOAA with a complete financial record of all activities.

Thank you for your time and consideration in this most important matter.

Sincerely,

William A. Clark
District Manager

crabill comments
Subject: Comment on Restoration Plan for Chalk Point
Date: Wed, 29 May 2002 00:16:56 -0400
From: <tcrabill3@netzero.net>
To: James.Hoff@noaa.gov

Dear Sir:

When approving the restoration plan for Chalk Point, please do not forget to provide for the needs of kayakers and canoe owners. Unlike power boaters, we pose no threat to the environment, and we do not create noise that ruins the natural setting for others.

I therefore request car top access for manually powered watercraft

Thank you,
Thomas Crabill

davis comments

Subject: Kayak/canoe facilities desired
Date: Mon, 03 Jun 2002 11:45:34 +0000
From: "SHONDA DAVIS" <shonda_davis@hotmail.com>
To: James.Hoff@noaa.gov

Dear Mr. Hoff:

I've been following the news about the Chalk Point Settlement and as an avid kayaker who enjoys paddling the waters in the area, want to express my support for the creation of canoe/kayak facilities on the Patuxent River as part of the Chalk Point Settlement project.

Best wishes.

Shonda Davis
Alexandria, VA

Chat with friends online, try MSN Messenger: <http://messenger.msn.com>

FAX COVER SHEET

**To: Mr. Jim Hoff, NOAA Damage
Assessment Center**

From: Senator Roy Dyson

**Senator Dyson's fax number: (301) 858-
3928**

**Re: Please accept this as Senator Dyson's
public comment on the draft Restoration
Plan prepared by the natural resource
Trustee Agencies for the Patuxent River Oil
Spill Citizens Advisory Committee.**

Number of pages, including cover: 2

ROY DYSON
SENATOR



Annapolis Office
1-800-492-7122
301-858-3673
E-mail Roy_Dyson@senate.state.md.us

District Office
P.O. Box 229
Great Mills, Maryland 20634-0229
301-994-2826

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1991

July 8, 2002

The Honorable C. Bernard "Bernie" Fowler
Chair
Patuxent River Oil Spill Citizens Advisory Committee
P.O. Box 459
Prince Frederick, MD 20678

Dear Bernie:

Thank you for your outstanding service as chair of the Patuxent River Oil Spill Advisory Committee. I am in receipt of your letter to the Natural Resource Trustees which makes several recommendations on how to commit financial resources to cleanup of the Swanson's Creek area and Patuxent River watershed that was damaged by 126,000 gallons of oil that spilled out of a ruptured pipeline at the Chalk Point facility in April 2000.

I appreciate the great work the committee, of which I am a member, has put into this letter of recommendation. However, there are some recommendations that concern me and other members of the community who have attended these meetings and read the recommendations.

As you may have already guessed, my main concern is that substantial funding is going towards restoring a breeding area for ruddy ducks in the Midwest prairies? Sadly, 553 ruddy ducks were killed due to the oil spill. However, the ruddy duck is not an endangered species. I do not understand why we are spending money in a different part of the country that will not benefit the area directly affected by the oil spill. All of this money should be spent restoring the wetlands and recreational activities that were destroyed or hindered by the oil spill.

Simply put, why are we putting money in the Midwest? Let the Federal Government do this.

Instead of restoring the Midwest Prairie Pothole area, wouldn't that money be better spent restoring still-damaged wetlands in areas such as Golden Beach in St. Mary's County and Seagull Beach in Calvert County. These areas were especially hard hit by the spill.

Again Bernie, thank you for all of your efforts in leading this Committee. I believe with a few modifications to the Trustees' recommendations, we can make this a report we can all live with and be pleased to present to the public.

Sincerely,

A stylized, handwritten signature of Roy Dyson in dark ink.

Maryland Senator Roy Dyson

cc: Mr. Jim Hoff, NOAA Damage Assessment Center

edmondson comments

Subject: comment on Restoration plan
Date: Tue, 28 May 2002 15:00:43 -0400
From: "Edmondson, Stephen" <SEdmondson@vts.edu>
To: "'james.hoff@noaa.gov'" <james.hoff@noaa.gov>

Thank you for the opportunity to comment on your plan. Two brief thoughts:

1. The designated locations for kayak and canoe camping--assuming that they are appropriately spaced to leave room for a good days paddle between them--are exciting and I would encourage them.
- 2.) as a kayaker, I would encourage the plan to consider making the river as welcoming as possible for car top access for manually powered watercraft--a commitment that would, I believe, have little environmental impact and little cost.

Thank you,
Stephen Edmondson,
Alexandria, Virginia.



Specialists in Environmental Technology

E-Tech International Inc., P.O. Box 2976, Acton, MA 01720
Tel: 978 264-9682, Fax: 978 264-1926; Mobile Phone: 978-869-6537,

(www.oil-spill-info.com)
ErichEti@cs.com

Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, SSMC 4
Silver Spring, MD 20910
James.Hoff@noaa.gov

Re: Response to Draft:

**Restoration Plan and Environmental Assessment for the April 7, 2000,
oil spill at Chalk Point on the Patuxent River, Maryland: Draft for
public review and comment. Natural Resource Trustee Agencies
(NOAA, USFWS, Maryland Dept of Natural Resources, Maryland Dept
of Environment). (5/1/2002)**

And referenced document:
INJURY TO WETLANDS RESULTING FROM THE CHALK POINT OIL SPILL,
8 MARCH 2002. Prepared by: Wetlands Assessment Team: Jacqueline Michel, Jim
Hoff, Kevin Smith, Mitch Keiler, Al Rizzo, and Rick Ayella.

Dear Mr. Hoff:

I am pleased to have the opportunity to respond to particular points raised in the draft document cited above. I respond as a private citizen with interest in establishing the best means to clean marshes and affect their recovery. I have received no compensation for preparing this document nor for field observations taken one year after the incident. I did participate in the spill management team from approximately day 9 of the event through the end of August 2000.

My area of interest in the cited report concerns marsh W01A and the estimated longevity of damages as determined by the WAT. The comments submitted on W01A below can also be applied to the other oiled marshes in Swanson Creek. As you know, during the response effort, W01A was extensively planted (>30,000 plants) with the purpose of aiding recovery. Therefore, it is of particular interest to see how or if the results of that effort translate into reduced long-term damages as determined by DARP. (Of course if they don't, then there is little reason to recommend a similar effort at future spills when marshes are similarly affected.)

It is my understanding that for *the more impacted areas* of W01A, recovery is established to be 20% for the first year, extending to 10 years for full recovery. For soils (beyond the scope

of my observations), it is 20% for the first year, extending to 20 years into the future. For *less impacted areas* in W01A (which are the previously oiled areas not included as *more impacted*) recovery is established at 50% for the first year, with ten years needed for full recovery.

It is also my understanding that the long-term recovery rates are based on the similarity detected between the Ile Grande marsh described in Baca et al's (1987) follow-up study at the *Amoco Cadiz* site where vegetative recovery to a level at or near that found in control marshes was noted after 8 years. It is unclear, but recovery rates for the first year appear to be based on repeat observations at established stations in the marsh, but field data are not provided.

My comments correspond to page 21-22 of the Draft Restoration Plan / Environmental Assessment and refer to the document it references: Injury to Wetlands Resulting from the Chalk Point Oil Spill, 8 March 2002. Prepared by: Wetlands Assessment Team: Jacqueline Michel, Jim Hoff, Kevin Smith, Mitch Keiler, Al Rizzo, and Rick Ayella.

Comments are as follows.

1. The 10-year vegetation recovery curve that WAT selected is overly conservative compared to *Amoco Cadiz*. I suggest that 5 to 6 years is more appropriate using the same case history.

Differences between the Ile Grande marsh and that at W01A that would account for this difference are:

- a. Planting at Ile Grande was undertaken at least two to three years after cleanup whereas at Swanson Creek it was *completed* within 4 months as part of the cleanup. This would shift recovery to at least 2 to 3 years earlier, not 2 years later as indicated.
 - b. The Ile Grande cleanup was very uncontrolled with little precautions taken to avoid damage to the marsh. Swanson Creek cleanup was invasive but still succeeded in avoiding many areas, and also attempted to restrict marsh access by using planks. Again, this would indicate that a reduced estimate for recovery as compared to the 8 years from *Amoco Cadiz*, not an increase as indicated by the WAT.
2. The "more impacted area" reproduced in Figure 1 includes areas that were not oiled and should be corrected. (I have numerous photographs available supporting these observations, if desired.)

The largest area not oiled is indicated on Figure 1 in yellow. (I note that the NRDA Oiling Map 1 of 5 also indicates this; and then Table 4.2 (page 4-3) in "Swanson Creek Oil Spill Extent of Oiling Report", 23 January 2002) is also in error).

Several other smaller unoiled areas are not shown in this report as well. I have attached Figure 2 for reference to these areas. This unoiled area should be deducted from the total oiled areas, and removed from the "more impacted area". As an

estimate, approximately 1 acre should be removed from the oiling category, which influences the long-term impacts to vegetation and soils.

3. Special consideration (e.g. reduction in compensation requirements) should be made for areas in W01A that were set-aside from replanting and trench infilling in response to requirements from government agencies.

I think it has been overlooked that the “more impacted area” in Figure 1 also contains two areas (indicated in orange on Figure 1) that were purposely set-aside (not replanted or infilled) at the lead insistence of NOAA and which were necessary to get approval of the RP’s marsh replanting plan. The size of the set-asides is probably about 0.6 acres. (FYI, the end of one trench was not infilled or planted, adjacent to another part of the same trench (I believe) which was infilled but not planted, and a flat area was not planted.)

I find it difficult to support the position where the same agency which led the charge for the set-asides, now delineates these areas as “more impacted” which therefore needs longer recovery and higher compensation, whereas, the requested planting (and trench infilling) would have reduced the time needed for recovery and subsequent compensation.

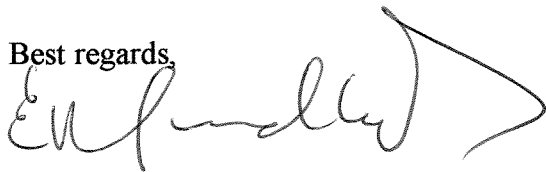
Without some ‘special’ categorization of these situations, it is likely to lead to future legal intervention on the part of the RP so as not to be penalized for remedies not undertaken at the insistence of the agencies involved in oversight.

4. The 20 percent one-year recovery estimation for the “more impacted area” is far too low. Recovery at 50% for “less impacted areas” is also too low.

I have been unable to locate the supporting field data in the information provided. In any case, I offer a set of comparative photographs of the site one year later (Figures 3-5). I would suggest that these photographs indicate a recovery on the order of 60-80 percent and not the estimated 20 percent (“more impacted”) and 50% (“less impacted”) indicated in the cited document.

Thank you for your attention.

Best regards,

A handwritten signature in dark ink, appearing to read 'E. Gundlach', with a long, sweeping horizontal stroke extending to the right.

Erich Gundlach, Ph.D.



Red line delineates "more impacted" area of W1A.

Figure 1. W01A marsh. Lines added: Yellow = never oiled (see Fig.2 for exact shape); Orange = Trustee demanded set-aside areas, no replanting.

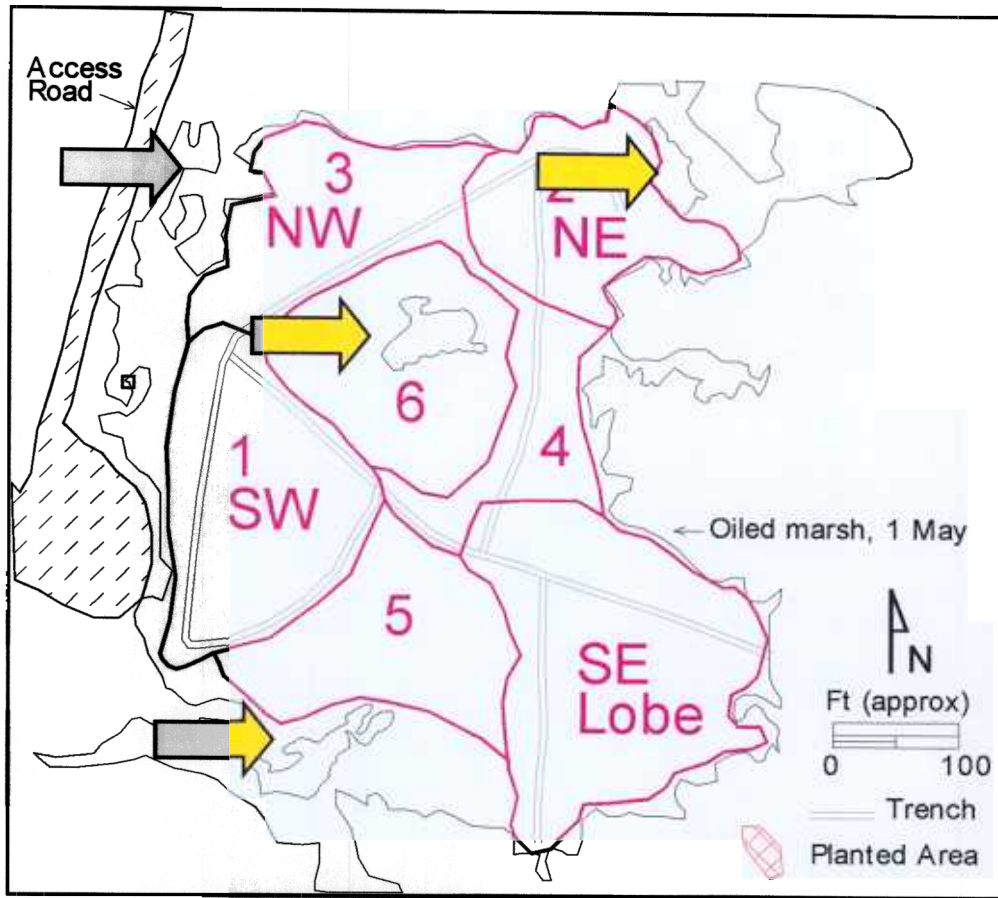


Figure 2. Unoiled areas (yellow arrows) that are probably indicated as oiled in the NRDA Oiling Map 1 of 5 and included in calculations of acres oiled.



Figure 3. Views across southeast W01A marsh from 2000 and 2001 indicating that first year vegetative recovery is far greater than the 20% indicated in the 2002 Injury to Wetlands Report.



Figure 4. Views across northwest W01A marsh from 2000 and 2001 indicating that first year vegetative recovery is far greater than the 20% indicated in the 2002 Injury to Wetlands Report.

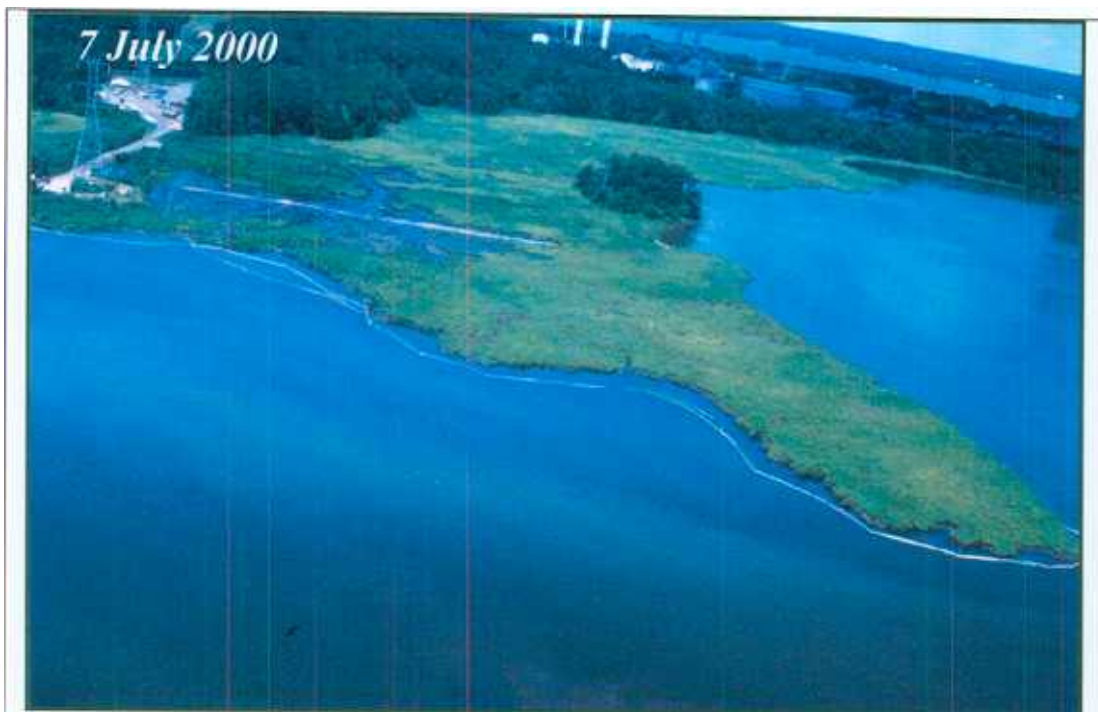


Figure 5. Aerial views across W01A marsh from 2000 and 2001 indicating that first year vegetative recovery is far greater than the 20% indicated in the 2002 Injury to Wetlands Report (Sep 2001 photo by Pepco).

22 July 2002
From Erich Gundlach
ErichEti@cs.com

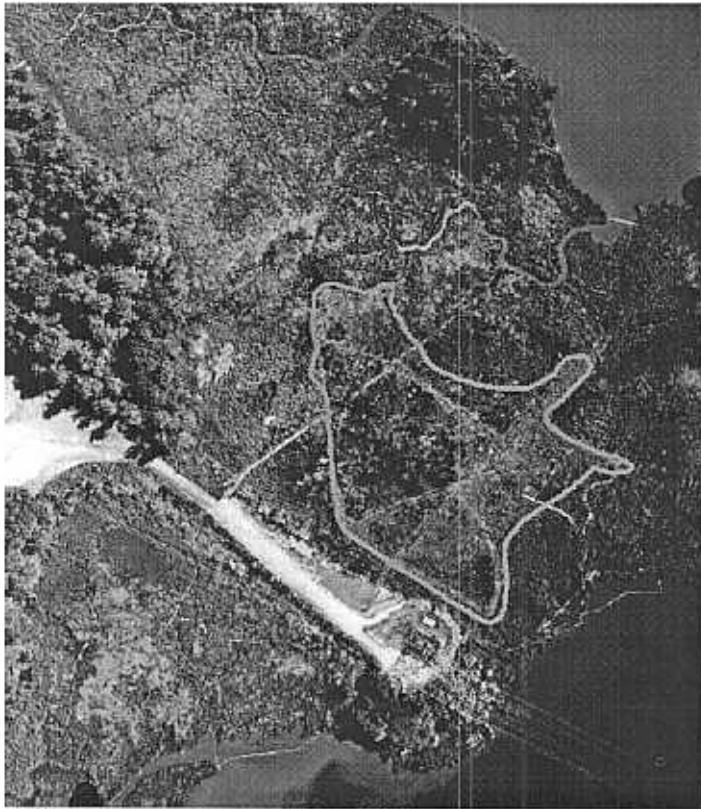
Dear DARP (c/o James.Hoff@noaa.gov):

I thought you might be interested that the photograph from Exhibit A5 (W01A) in Michel et al., which is used to support Michel's et al's 20% recovery observations after 1 year, is not from July 2001, but from September / October 2000 (2+ months after planting, not 1 year after). You can determine this from (1) the Autumnal marsh coloration, and (2) the fact that all sorbent boom (evident at many creek mouths and fronting W01A) was pulled by the end of October 2000.

Page 22. Michel et al.

"Exhibit A5 in Appendix A shows an aerial photograph of W1A obtained in July 2001. Based on corresponding field observations during the July 2001 survey, the WAT designates two sub-areas in W1A."

Exhibit A5 - Aerial Photograph of the W1A Area



Red line delineates "more impacted" area of W1A.

For your information, the following photograph was taken across W01A on 16 July 2002.

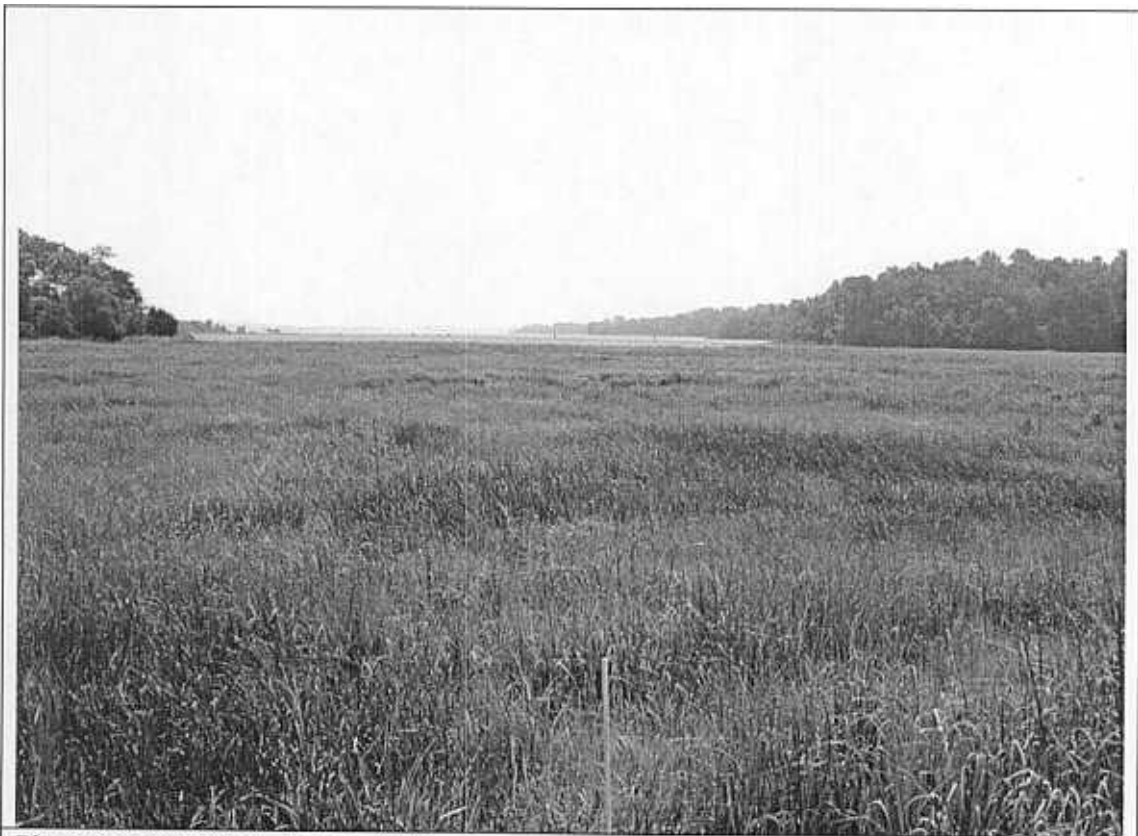


Photo across W01A. 16 July 2002.

Spencer Gulick
1917 Chapparrall Court
Crownsville, MD 21032

June 2, 2002

Mr Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Bldg 4
Silver Spring, MD 20910

Dear Mr. Hoff,

I am writing to express my support for the creation of canoe/kayak facilities on the Patuxent River as part of the Chalk Point Settlement. I refer specifically to the two proposed Kayak/Canoe Paddle-In Campsites (one near Golden Beach, the other at Milltown Landings), and the creation of a disabled-accessible kayak/canoe landing at Greenwell State Park.

No doubt you are aware that access to the Chesapeake Bay and its tributaries is quite limited for kayakers and canoeists. There are many rivers and creeks which are simply too far away from any available facilities for a human powered craft to reach, and it is worthy of a reminder that the paddler leaves the waterway unpolluted by noise, oil or exhaust fumes.

At eighty-one years of age, and a frequent paddler, I shall welcome all the help I can get in enjoying my favorite pastime.

Sincerely,

A handwritten signature in black ink, reading "Spencer Gulick". The signature is written in a cursive, flowing style.

Spencer Gulick

R. Michael LaBelle
7213ZBurtonwood Dr
Alexandria VA 22307

Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway
Bldg 4,
Silver Spring, MD 20910

I am writing in support of the proposal to include canoe/kayak campsites on the Patuxent River as part of the oil spill settlement.

Sincerely,



R. Michael LaBelle

P. O. Box 2084
Lusby, Maryland 20657
May 11, 2002

Mr. Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Bldg. 4
Silver Spring, Maryland 22044

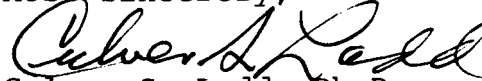
Dear Mr. Hoff,

I have read with great interest the PEPCO report on the Oil Spill preparatory to a meeting May 15, 2002. I regret due to conflicts I will not be able to attend that meeting.

Thus, my questions: 1) Over the next thirty years, what is the likelihood of another such spill occurring? and 2) Why is natural gas not a clear-cut option being planned for to protect our Patuxent River and all its precious sea life and grasses?

Natural Gas from the Cove Point facility is a clear-cut solution to the long term operation of that PEPCO plant!! Why is not NOAA pressing for that conversion?

Most sincerely,



Culver S. Ladd, Ph.D.

Daphne McGuire,
39720, Oakleaf Circle,
Mechanicsville, MD 20659
June 26 2002

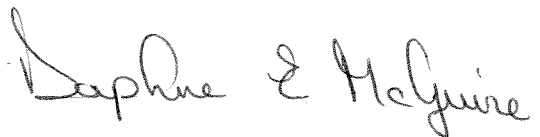
Dear Trustees,

I am sending this letter as a follow-up to the public meeting that was held at the Calvert County fairgrounds on May 15th 2002. I would like to address the recreational portion of the Patuxent River oil spill plan. I am very concerned that the communities that had the greatest loss of recreation in both St. Marys' and Calvert Counties are not the ones being compensated for their loss. For example the communities most affected in St. Marys' County are Golden Beach, Indian Creek, Washington Creek and Persimmon Creek but no recreation restoration funds have been identified for these areas even though they were directly in the path of the oil and the impact on recreation was massive. According to the president of the local community organization in Golden Beach (BMANCO) There are still beaches in the area that need attention. Significant erosion is occurring at Long Point Beach, as grasses that were killed by spilled oil have not recovered. The money set aside for loss of recreation should be spent in the communities most affected. Golden Beach has a wish list of projects that would fall into that category. They have long needed new playground equipment at the beach, an extension on the pier at Long Point and a new boat ramp are all projects that should be funded with the money that has been reserved for recreational restoration. Although I am not familiar with the wish lists of other communities in Calvert and St. Marys' Counties, I am sure they are just as lengthy as the one for Golden Beach.

It is my opinion that projects in the affected areas are the ones that should be funded rather than the ones identified in the plan. I respectfully request that the proposed recreation restoration plan be revisited and that projects in the most damaged areas be funded.

Sincerely,

Daphne McGuire



Cc Senator Roy Dyson
Cc Senator Bernie Fowler
Cc Delegate John Wood.

Subject: Patuxent River Restoration Plan Comments
Date: Mon, 3 Jun 2002 10:54:53 -0400
From: "Debbie Nisson" <dnisson@ultrallc.com>
To: <James.Hoff@noaa.gov>

Mr. Hoff

Please accept this email as my support of the increased recreational opportunities on the Patuxent River, particularly those items relating to kayak access. While the oil spill was devastating, recent studies have shown that even worse for the environment are the effects of motorboat usage. The efforts to encourage non-motorized sport should be wholeheartedly supported by all who appreciate and enjoy the beauty of the Patuxent River. I am a resident of Calvert County and my family and I kayak on the Patuxent River often.

Thank you.

Deborah C. Nisson
114 Delores Drive
Owings, MD 20736

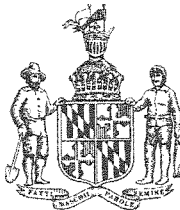
GEORGE W. OWINGS III
Legislative District 27B
Anne Arundel and Calvert Counties

Majority Whip

Environmental Matters Committee

Chairman, Subcommittee
Agriculture, Environment
and Natural Resources

Rules and Executive
Nominations Committee



The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401-1991

District Office
P.O. Box 255
Owings, MD 20736
410-257-3800

Annapolis Office
219 Lowe House Office Building
Annapolis, MD 21401-1991
410-841-3231 · 301-858-3231
1-800-492-7122
Fax 410-841-3252 · 301-858-2402

June 18, 2002

Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Building 4
Silver Spring, Maryland 20910

Dear Mr. Hoff:

This writing is a direct result of a letter dated June 14 sent to you from William Clark, District Manager of the Calvert Soil Conservation District, Calvert County Maryland, regarding the proposed draft restoration plan for the April 2000 oil spill on the Patuxent River.

As the Chairman of the Calvert County Delegation to the General Assembly of Maryland, it is my duty to write and express my dismay at the contents of Mr. Clark's letter. Since Mr. Clark clearly outlines the position of the Calvert Soil Conservation District, I do not find it necessary nor am I able to find anything more to say beyond that which he has written.

May this letter serve as an official request that the proposed draft be revisited and that the "common sense" recommendations spelled out by Mr. Clark be given serious consideration.

I do thank you for your time and interest and do know that you understand my concern for one of Maryland's priceless resources.

Sincerely,

A handwritten signature in black ink, appearing to be "G. W. Owings, III", written over a horizontal line.

George W. Owings, III
Delegate, District 27B

GWO:kss

cc William Clark
Southern Maryland Delegation
Congressman Steny Hoyer
Calvert County Board of Commissioners



PATUXENT RIVER COMMISSION

301 W. Preston Street, Room 1101
Baltimore, Maryland 21201

Phone: (410) 767-4562

Fax: (410) 767-4480

Internet: <http://www.mdp.state.md.us/info/patux.htm>

Parris N. Glendening, *Governor*

Marc Lieber, *Chair*

Jack Leighty, *Vice Chair*

July 3, 2002

James Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Bldg. 4
Silver Spring, Maryland 20910
FAX: 301.713.4387

RE: Patuxent River Commission's comments on the Patuxent River Oil Spill May 2002- Draft Restoration and Environmental Assessment Patuxent

Dear Mr. Hoff:

On behalf of all the Patuxent River Commission I would like to express the Commission's sincere appreciation for your work to provide the PRC with the excellent presentation and printed copies of the Restoration Plan at our May 8, 2002 meeting. We appreciate that you were working under such a tight schedule and hurried to be able to provide this information to us. Thank you for your efforts.

We are pleased to submit comments on the Draft Plan. In general, we believe the trustees fairly and conscientiously discharged their responsibilities, and that the Draft Plan is a reasonable attempt to attach fair compensation to the spill's damage to natural resources. The Commission believes that the report should be more transparent, and that public outreach should play a key role in the implementation of all the restoration projects. The PRC would like to see a major emphasis placed on engaging volunteers to actually participate in the restoration efforts set forth in the plan. To this end the PRC could assist this effort by providing volunteer contacts through our Patuxent River Public Outreach Data Base.

Thank you again for your hard work and for the opportunity to comment.

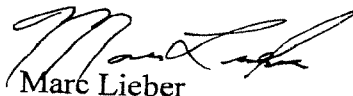
Patuxent River Commission's Comments on the Restoration Plan and Environmental Assessment for the April 7, 2000 Oil Spill at Chalk Point on the Patuxent River, Maryland Draft for Public Review and Comment May 2002.

1. *Describe the criteria used in evaluating alternatives, and present each alternative showing how it performs in light of each criterion.*
The document presents criteria in section 5.2 to be used in evaluating restoration alternatives. The evaluation in section 5.3 is inconsistent in applying these criteria. Each alternative should be reviewed explicitly against each criterion.
2. *Explain specifically why each rejected alternative was rejected or modified from its original form, including each suggestion from outside groups.*
Section 8.4 (Appendix 4) presents ideas from many groups. Only some of these ideas are discussed explicitly in the text. The table should be modified by adding another column summarizing the resolution of the idea: accepted, modified or rejected, and the reason why.
3. *Explain the source of each adopted alternative that was not suggested by the public.*
The Ruddy Duck restoration idea and others were not suggested by outside groups. For any alternative not suggested by the public, it should be mentioned explicitly that this was an idea of the trustees, and then present the reasoning.
4. *Explain more fully why there can be no ruddy duck remedy involving money spent in Maryland.*
The document should demonstrate alternatives considered involving spending of money in Maryland and why these were rejected in favor of spending out of state.
5. *Use projects as an opportunity for public education.*
The alternatives as presented are relatively narrow in addressing a specific remedy for a specific harm. The draft restoration plan components should be re-examined to find items that have possibilities for a public education component at little cost. For example, on the ruddy duck project in the Midwest, put in a Ruddy Duck Cam with Internet site and team with Maryland companies and schools to provide educational materials.

The alternative Watershed Education Outreach makes the point that when education is linked to such restoration efforts to actual in-the-ground (or-in-the water!!) restoration projects it adds considerably to their effectiveness. There is also the opportunity to address oil spill education from the long list of public outreach activities already available in the State.

Again, thank your for briefing the Commission on the Plan and look forward to receiving updates in the future.

Sincerely,



Marc Lieber

Chair, Patuxent River Commission



STATE OF MARYLAND

Patuxent River Oil Spill Citizens Advisory Committee

Parris N. Glendening

Governor

Kathleen Kennedy Townsend

Lt. Governor

C. Bernard Fowler

Chair

July 8, 2002

Jim Hoff

NOAA Damage Assessment Center

Robert Summers

Md. Department of Environment

Carolyn Watson, Assistant Secretary

Md. Department of Natural Resources

Beth McGee

U.S. Fish and Wildlife Service

John Derrick, Chief Executive Officer

Pepco

Dear Natural Resource Trustees and Mr. Derrick:

The Patuxent River needs help. In April of 2000, 126,000 gallons of fuel oil killed or injured ducks and many others of the River's living resources. The spill destroyed wetlands and other wildlife habitat, and it denied the use, beauty and pleasure of the river to thousands of Marylanders for many months. The Patuxent River Oil Spill Citizens' Advisory Committee appointed by Governor Parris N. Glendening is appealing to both the Natural Resource Trustees and Pepco to extend their current efforts and find more ways to make our river whole.

The federal Oil Pollution Act of 1990 (OPA) describes the process for determining the damage to an oil-polluted river. This law also describes how the damage caused by a spill is to be repaired. The Natural Resource Trustees appointed through the Act (personnel from National Oceanic and Atmospheric Administration (NOAA), U.S. Fish and Wildlife Service (USFWS), Maryland Department of Natural Resources (DNR), and Maryland Department of Environment (MDE)) have done a thoroughly professional and comprehensive job in accordance with their obligations under the OPA. We endorse their recommendations with one exception.

The CAC also recognizes that Pepco has undertaken substantial cleanup efforts, worked with the Natural Resource Trustees to assess injuries and identify appropriate restoration actions, and informed citizens about its efforts. The CAC values Pepco as a good corporate neighbor and applauds the company's past efforts to work with the community after the oil spill.

We understand that as the OPA was applied in the Patuxent, the restoration of the lost natural resources (such as ducks, terrapins, wetlands, or marshland) is separate from the compensation for lost recreational activity (such as boating or kayaking on the river, birding, or just simply enjoying the river's view) and that neither the funds nor the projects from the natural resource recovery can be used to make up for lost recreational activity, and vice versa. I have received Senator Dyson's reservations with the expenditure of funds in the Midwest Prairie Pothole area to address the loss of ruddy ducks on the Patuxent River. While several Committee members shared this concern, we note that the resources used to make up for the loss of ruddy ducks could not be transferred to enhance activities in the Patuxent. (These ducks are an open water species that breed in northern areas, and there are no actions that can be taken in Maryland that will affect their number. Therefore the Trustees have proposed that land in the Prairie Pothole area of the Midwest be restored and this restored nesting area be protected, so that ruddy duck breeding will increase and more birds will come to Maryland.)

The Citizens Advisory Committee feels that the clean-up work undertaken by Pepco to date and the ecological restoration projects put forth by the Trustees address the damages identified by scientific investigation of the oil spill. However, it is the Committee's opinion that the Patuxent needs more help, particularly in Calvert County, which sustained much damage but does not have a proportionate share of recreation projects proposed for it. We recommend that the Trustees and Pepco undertake the following actions:

- The Trustees explore adjustments to the current, proposed recreation restoration projects to enable more recreational restoration to be done in Calvert County, and
- Pepco, furthering the good faith approach that the company has shown to date, should consider expending additional resources to restore trust and mend damaged good will among people who feel so strongly about their river.

Over the past two years the Committee has met regularly with the Natural Resource Trustees, representatives of Pepco and people concerned about the river, the spill, and the recovery. Committee members have asked questions, attended numerous briefings and meetings and offered advice to state and federal agencies and the Trustees. Equally important the Committee has communicated with the public in an effort to strongly represent the interests of the citizens of Maryland.

Over the last two years, however, the Committee has worked to overcome one constant challenge:

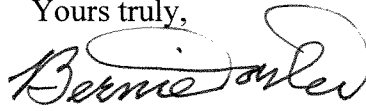
- How to go beyond the legalistic requirements of the Oil Pollution Act and express the depth of feeling and concern people have for the Patuxent?

Tens of millions of dollars have been spent prior to the spill to help this great treasure shine as Maryland's premier river. The Committee believes that Marylanders' love of the river

runs strong and deep. People want to see and enjoy and embrace "their" river, without dwelling on the oil spill tragedy, and to safeguard the Patuxent for future generations. More needs to be done.

The Citizens Advisory Committee has completed the duties assigned to it by the Governor. Its report will be issued shortly. But, the end of the Committee's formal meetings will not lessen the interest or concern Committee members have for the river and for its restoration. Whether elected official, scientist, waterman, environmentalist, or simply concerned citizen, each member of the Committee will continue to advocate for the river's health, and for the future.

Yours truly,

A handwritten signature in cursive script, appearing to read "Bernie Fowler". The signature is written in dark ink and is positioned above the printed name.

Bernie Fowler, Chair



Potomac Electric Power Company

701 Ninth Street N.W.
Washington, D. C. 20068

202 872-2274
202 872-3472 Fax
jspotts@pepco.com

James S. Potts
Vice President
Environment

July 1, 2002

Mr. James Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Bldg 4
Silver Spring, MD 20910

Dear Jim:

Enclosed please find Pepco's comments on the draft Restoration Plan and Environmental Assessment for the April 7, 2002, Oil Spill at Chalk Point.

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim", is written below the word "Sincerely,".

cc: Mr. James Siciliano
Mr. Ralph Markarian

***Pepco Comments on the
Draft Restoration Plan and
Environmental Assessment for the
April 7, 2000 Chalk Point Oil Spill***

Introduction

We have reviewed the draft Restoration Plan and Environmental Assessment (dated May 2002). A summary of our general and specific comments to the draft is provided below. Many of these comments focus on new text that was not included in the April version of the DARP.

General Comments

Restoration Scaling. In general we have accepted the trustees restoration scaling for the various injury categories. The exception is the scaling of the trustees preferred ruddy duck project. According to the DARP, a total of 312 ruddy ducks was estimated to be killed directly by the spill and an additional 192 adult ruddy ducks were lost due to production foregone. The DARP states that "natural recovery occurred within one year." In addition, literature cited by the trustees states that ruddy duck populations naturally compensate for legal hunting pressure of over 50,000 ruddy ducks per year. Thus, the loss associated with the spill accounts for less than 1% of the total annual loss to the population due to humans as well as less than 1% of the ruddy duck population in Maryland (1998-2002).

In addition, the DARP explicitly reports lost service years as the appropriate metric for measuring injury, and uses this scaling approach for marshes, shorelines, and terrapins. Using the lost service year approach for ruddy ducks results in an injury of less than 700 duck years based on the life history parameters used by the trustees. However the preferred restoration project for ruddy ducks in the DARP would restore approximately twice the lost service years injured over a 100-year period (1352 duck-years). We believe that use of lost service years to scale restoration on this project as well as other NRDA projects supports the use of lost service years to appropriately scale duck restoration.

Design Criteria. It is not clear why the trustees have included specific design criteria in the DARP. Specific design criteria should be developed as part of the implementation plan for the project based on comprehensive site surveys and specific performance criteria. Since these comprehensive site surveys have not been conducted, it would be premature to guess at appropriate design criteria in the DARP.

Performance Criteria. Similarly, it is unclear why the DARP includes performance criteria. NRDA projects typically incorporate performance criteria into the consent decree, not as part of the Restoration Plan. Of most concern is the fact that the DARP includes performance criteria for terrapins and ruddy ducks for habitat restoration projects.

July 1, 2002

From a technical perspective, it is not clear why the trustees are proposing long-term performance criteria for terrapin and ruddy duck productivity. The DARP explicitly states that habitat restoration would restore the resources injured, and the preferred projects have the potential to provide substantially more benefit to the resource than alternative projects that only compensate for the resources injured. In addition, the DARP states that, for terrapins, the proposed project includes over twice as much habitat as needed to compensate for the injury. Thus, there appears to be minimal basis for intensive, long-term monitoring of productivity. If the trustees are uncertain whether the preferred project will succeed, there are more cost-effective alternatives that can measurably restore injured resources in a fraction of the time and possibly a fraction of the cost.

Costs. The general cost information provided in the DARP does not provide adequate information to determine whether the proposed costs are appropriate, reasonable, or cost-effective.

Specific Comments

p. 2, last para. The text states surveys were conducted through September 21, 2001. We are unaware of NRDA surveys conducted after July 2001.

p. 12, first complete para. The text regarding habitats impacted by the spill should be clarified since it seems to indicate the spill impacted "fresh water marshes and swamps," when the intent of the text is apparently to indicate that these habitats simply exist along the mainstem of the Patuxent River.

p. 18, second para.. The text repeatedly states there were 76 acres oiled (also stated on page iii, page 5, Table 4-1, and Table 4.8). The wetland injury studies reported a total of 79.9 acres oiled. To be consistent with the findings from the injury assessment, the acreage should be revised. This correction should also be incorporated for the acreages for specific vegetation types including heavily oiled Typha (should be 3.12 acres; page 19); heavily oiled *S. alterniflora* (should be 4.59 acres; page 20); heavily oiled *S. cynosuroides* (should be 9.18 acres; page 21); and W1A (should be 7.17 acres, page 21).

p. 22, first para.. The text states that there was estimated to be a 100% loss of vegetation in restricted access areas. The text should be corrected to state the trustees assumed there was 100% loss of vegetation although no vegetation was oiled.

p. 30, last para. The text repeatedly uses the terms such as "dead" or "mortality" in reference to bird losses that include production foregone (also Table 1.1, Table 4.7). The term should be corrected to "loss" or a comparable term since production foregone never existed.

p. 33, item (5). The text states there was a significantly lower frequency of presumed spring emergers at oiled sites based on the field surveys. Apparently, less than 5% of the presumed spring emergers actually hatched in the lab. Thus, the presumption from the field survey was incorrect. The final results indicate that not only was there apparently not a significant difference in actual spring emergers, but the overall hatchling rate was virtually identical between oiled and control sites. The text about spring emergers should be updated or deleted since it provides an incomplete overview of the study results.

p. 40, first para. The text states that real estate specialists identified properties with the appropriate elevation. The real estate agents did not consider elevation in their listing of potential properties, and the text should be corrected.

p. 40, last para. As stated in the general comments, it is not clear why the text includes specific design criteria. In addition, the specific criteria do not appear to be based on standard procedures. For example, standard wetland restoration procedures state the appropriate planting density for the proposed species should be 3-foot centers (MDE 1998) up to 6-foot centers (Thurnhorst 1993).

p. 42, first complete para. While it is true that the cost of disposing of material at the beach is less than hauling offsite (as stated in the text), disposal of the soil could be on the adjacent agricultural land and may be preferred by the landowner. It is not necessary to haul it offsite and the cost-effectiveness of alternative disposal should be corrected.

p. 43, sixth para. The text states that corrective action will be taken if performance standards are not achieved or monitoring suggests unsatisfactory progress. The purpose of the performance criteria is to determine when corrective actions are appropriate. It is inappropriate to further require corrective action based on the suggestion of unsatisfactory progress.

p. 44, last para. The text states a benefit of the wetland project is that it significantly reduces costs associated with moving excavated material. As mentioned above, it is not appropriate to present the avoidance of off-site disposal as a benefit when off-site disposal would apparently not be necessary. In addition, on-site disposal may be more cost-effective than hauling to the beach.

p. 47, last para.. The text states that alternate material will be used for reef construction if deemed suitable. This text should be clarified. Alternate material is less preferred than shell by the State of Maryland, the scientific community, and commercial and recreational watermen. In addition, it is more expensive to permit, purchase, store, and handle alternate material. The only valid reason to use alternate material instead of shell is if shell is not available due to USACOE disallowing a permit to MDNR. This situation (while possible) is not likely. The text on alternate material should be corrected as well as the associated costs.

p. 49, third para. The text states two seedings will be conducted 5 years apart "to maintain the oyster population." However, this approach will provide a boom-or-bust cycle that is neither beneficial for the oyster population nor the community it supports. It is generally recognized by oyster experts that it would be more beneficial to have a reduced level of seeding every year or two "to better maintain the oyster population" and "compensate for the uncertainty of oyster survival."

p. 49, third para and p. 50, first para. The text states quarterly and bi-annual monitoring are appropriate to determine success of oyster restoration. However, annual monitoring is the standard practice for the State of Maryland in determining the success of oyster restoration projects. Increased monitoring may be academically interesting but largely unrelated to project success. The appropriate sampling frequency and effort should be incorporated into Tables 5.2, 5.3, 5.5, and 5.13 and associated text.

p. 49, last para. The text states a historical survey of the oyster site is required. However, it is highly unlikely a historical survey is warranted since Federal and state agencies have conducted numerous oyster enhancement efforts in the area of interest and a historical survey was not needed.

p. 49, last para. The text states video imaging will be conducted to determine site suitability. This technology is not standard practice for oyster restoration projects in the State of Maryland, costs over twice as much as standard procedures, and is not necessary to determine site suitability.

p. 50, first para.. The text proposes high density seeding once every five years. However, moderate density seeding every couple of year would be more beneficial to the oyster population, reef community, and water quality as well as the seed production facilities. In addition, this would provide more latitude in corrective actions, improve logistics, and allow more ready determination of when project objectives are satisfied.

p. 51, second complete para.. The text makes a statement about large oysters, disease resistance, and inheritance that should be clarified since it seems to imply that the genetic composition of oysters may improve as they grow larger. The statement should be reworded to more clearly convey that presumably oysters that are disease resistant would theoretically survive longer, grow larger, and produce more offspring that may also be disease resistant.

p. 51, fourth complete para. The text states existing seed production capabilities can support this project. It is unclear whether the existing hatcheries can support this proposed production since it would apparently equal approximately half of the MDNR production capabilities for the entire state in years 1 and 5. From a hatchery production perspective, it would be better to have lower production on a more consistent basis, especially after the initial seeding.

p. 52, sixth para. and p. 56, third para. The text states that the alternative projects were not selected because they were not as consistent with established restoration goals as the preferred project. While we are not advocating the alternative projects, these statements are not necessarily true since there are regional restoration goals for the specific resources proposed for restoration in alternative projects. Secondly, the evaluation criteria presented (pages 38-39) do not include a criteria concerning restoration goals. The assessment should either focus on the stated evaluation criteria, or the evaluation criteria should be expanded to include consistency with federal, state, and local restoration goals.

p. 53, second para. There appears to be a minor discrepancy between the benthic injury total presented on pages 53 and 54.

p. 58, fourth complete para. As stated previously, we disagree that the ruddy duck scaling is appropriate or reasonable.

p. 59, fifth para.. The spelling for "realty" should be corrected in both the text and Table 5.4.

p. 60, para. 4. In regard to the ruddy duck project, we disagree with the statement that that the "costs associated with this project are reasonable." The restoration scaling and preferred project are disproportionate to the injury to ruddy ducks and it is unclear what the basis is for the trustees determination that the costs are reasonable.

p. 61, fourth complete para. The text associated with trophic scaling to birds is well-written and simply presented. The same type of text should be provided for the trophic scaling for fish.

p. 65, first complete para. If a nest relocation-imprinting study is warranted, the nests should be protected to increase the numbers of turtles imprinted to the new beach to enhance productivity.

p. 66, third para. The text states that performance criteria will be monitored over the course of the project. This text should be corrected to reflect that performance criteria are only warranted until injuries are restored, which in this instance would be expected to be within about 1/4 of the life of the restoration project.

p. 66, third para. As stated in the general comments, it should be unnecessary to have an intensive, long-term monitoring program for nesting density since the trustees have already determined that successful habitat restoration would restore terrapin injuries. If quantitative field measurements of terrapin enhancement are necessary, there are alternative projects that would likely be more cost-effective.

p. 67, third complete para. The costs apparently indicate that 20,000 plants will be planted. It is not clear why the terrapin project includes 20,000 plants on the beach when terrapins do not prefer vegetated habitat for nesting. In fact, USFWS (1997) report that planting should be avoided in restoration projects for terrapin nesting habitat.

2 June 2002

Mr. Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Bldg. 4
Silver Spring, MD 20910

Subject: Comments on Chalk River Draft RP/EA

Mr. Hoff:

Thank you for the opportunity to provide comments on the Chalk Point oil spill settlement.

I primarily want to voice my support for the addition/improvement of kayak/canoe facilities on the Patuxent River. In particular I'm very excited about the prospect of paddle-in campsites, which would provide excellent opportunities for the enjoyment and study of the Patuxent River, with very little visual, audible or other pollution.

Thanks again for taking the time to solicit opinions.

Don Polakovics
43971 White Cedar Lane
California, MD 20619
Doooobrd@erols.com



Ohio University

Department of Biological Sciences

Ohio University

Athens, Ohio 45701

~~Phone: 301 - 884 7467~~

Email: roosenbu@ohio.edu

Dr. James Hoff
NOAA Damabe Assement Center
1305 East-West Highway Bldg 4
Silver Spring MD 20910

Dr. Beth McGee
U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis MD 21401

Ms. Carolyn V. Watson
Maryland Department of Natural resources
Tawes State Office Building
580 Taylor Avenue C4
Annapolis, MD 21401

Dr. Bob Summers
Maryland Department of the Environment
2500 Broening Hwy
Baltimore, MD 21224

24 May 2002

Dear Trustees of the Patuxent River Oil Spill,

I read with great pleasure that progress is being made in the oil spill restoration plans of the Patuxent River and that diamondback terrapins are to be affected by these plans. I would like to take this opportunity to make the following comments concerning the Preferred Restoration Project along the shoreline of the Patuxent River starting at the mouth of Washington Creek extending northeast to the point. It is my professional opinion that the project, while well intended, can be improved. I believe there are better sites or considerable modification of design and implementation will be required. I cite the following reasons and provide some suggestions.

1) The prevailing summer high winds in the Patuxent come from the southeast and because the proposed beach faces to the southeast it will be subject to extensive erosion. As a consequence, the two proposed bulkheads as identified on the map of the *Restoration Plan and Environmental Assessment*, section 5.3.2.1 page 41, will have little if any affect in reducing the erosion. A bulkhead / breakwater system

similar to what has been constructed at Jefferson Patterson Park (JPP) is required to reduce the erosion causing wave action coming from the southeast,. It is my understanding that beaches that are at 0° - 45° angles to the prevailing winds are the ones best suited to a breakwater system similar to what has been built at JPP. This design allows for open areas in the breakwater that would provide the visual cue that will allow terrapins to locate nesting habitat

- 2) The success of the project is based on the assumption that terrapins will increase the use of this nesting habitat over that of other less suitable nesting beaches. First, terrapins show site fidelity to nesting areas. Because the preferred site is a low density nesting area, the number of females nesting there may remain low relative to other beaches where terrapins nest. Second, those terrapins that nest on the modify beach would have been nesting in other habitats in the area. Thus there is no net gain of terrapins in the area, only a shift of their nesting activity. If the project meets the suggested goal of increasing nesting density, then increased predation of nests also may offset any gains in nesting activity.
- 3) The soil used for the project will come from an agricultural field lying along the shore of Washington Creek. This concerns me for two reasons. Terrapins develop best in substrates with high sand content (sandy to sandy loam soils), and although I have not been to look at the proposed soil source I would assume that there is a high amount of organic material in the soil. Increasing organic matter changes the hydrodynamics of the nesting environment and increases the likelihood of fungal contamination of the eggs. Second, this land has been farmed by primarily no-till practices that depend heavily herbicides and pesticides. Many of these compounds are known endocrine disrupters with the potential to reverse sex during the temperature-dependent sex-determining stage of incubation and thereby reducing hatchling fitness. I would like to suggest the soil be tested for possible endocrine disrupting agents and, if positive, that clean sand be used to augment beach structure.
- 4) The proposal includes transplanting hatchlings with the hope that they will imprint on the new beach. First this is a tremendous amount of work without using some protective measure to prevent the depredation of the transplanted nests. Second, although imprinting of turtles to nesting beaches is based on research of sea turtles, it has never been demonstrated in any other species of turtles and is questionable in terrapins.
- 5) Finally, it is true that the shoreline suggested in the proposal is eroding, nonetheless it is intact dynamic shoreline habitat and is unmodified, naturally occurring terrapin nesting habitat. There are other sites where the shoreline has been modified and nesting habitat has been destroyed or lost.

I would like to suggest two alternative sites where terrapin nesting habitat has actually been destroyed by shoreline hardening and erosion control. The first site is the beach suggested in my original proposal at the southern mouth of Persimmon Creek. This beach has been modified with a stone revetment that either forces terrapins to nest below mean highwater or if they manage to traverse rocks, they nest in grassy field beyond the beach. This beach faces at a 0° to the southeast and is sheltered from northeast winds. Additionally, just yesterday we were excavating a terrapin nest and encountered oil remaining from the spill surrounding the nest. This beach received more oil than the Preferred Site and terrapin nests there are still exposed to oil. A second possible site is the northern entrance at the mouth of Buzzard's Island Creek. This was a high density nesting area, however in recent years the use of rock jetties and shoreline hardening along with planting of beach grasses have

reduced the nesting density at this site. This site is not as well sheltered from the prevailing winds, however the previously high nesting density at this site would make it a good site to restore.

I would be happy to help the trustees or other persons involved to develop a sound and productive (from the terrapin's perspective) project. Please feel free to contact me.

Sincerely,

Willem M. Roosenburg
Associate Professor

Southeastern Maps

4085 Braxton Rd.
Chantilly VA 20151
(www.semaph.com)

June 29, 2002

Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Bldg 4
Silver Spring, MD 20910

Mr. Hoff,

Regarding settlement issues of the Chalk Point oil spill settlement, please accept this statement.

Southeastern Maps produces computerized mapping products for the recreational market. One such product is the Chesapeake Boat Launch Guide. The goal of the Chesapeake Boat Launch Guide is to be the most comprehensive and authoritative works on water access in the region. Southeastern Maps has documented boat launch access on the Patuxent River. It is our observation that public water access in the Chalk Point area is deficient.

In general, we support any efforts at increasing public water access. In particular, we highly support any efforts that increase or improve human powered watercraft resources. We would very much like to see the proposed plans related to recreational resources implemented if not expanded.

Thank you.

Respectfully,



Chris Conklin
Southeastern Maps

♦ SOUTHERN MARYLAND AREA SOIL CONSERVATION DISTRICTS

PO BOX 657

PRINCE FREDERICK, MD 20678

July 16, 2002

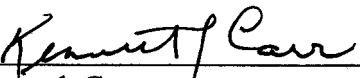
Mr. Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Building 4
Silver Spring, MD 20910

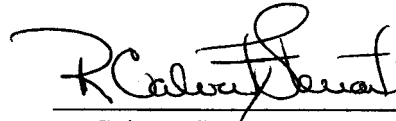
Dear Mr. Hoff:

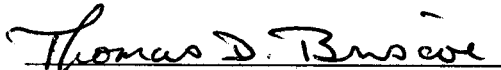
This is in response to the draft "Restoration Plan and Environmental Assessment for the April 7, 2000 Oil Spill at Chalk Point." The Southern Maryland Area of Soil Conservation Districts met on July 16, 2002, for the first time since the above draft report was released. The report was discussed with the supervisors of Prince George's SCD, Charles SCD, St. Mary's SCD, Calvert SCD, and Anne Arundel SCD. After discussion, it was approved by all the Southern Maryland Districts to stand firm against the proposal that \$587,000 be spent for out-of-state projects.


The damage caused by the oil spill was done in Southern Maryland and the money should be utilized here. There are numerous projects proposed by Calvert SCD that are designed and ready to install. These projects not only improve water quality, but provide additional recreational and educational opportunities in Southern Maryland.


Thank you for the opportunity to comment. It is of utmost importance that this issue be addressed.


Kenneth Carr
Chairman, Anne Arundel SCD


R. Calvert Steuart
Chairman, Prince George's SCD


Thomas D. Briscoe
Chairman, Calvert SCD


Stanley Boothe
Chairman, St. Mary's SCD


Charles R. Rice
Chairman, Charles SCD

cc: State and Federal Legislators
Patuxent River Commission



18335 Hartman Drive
Lexington Park, MD 20653
29 July, 2002

The Southern Maryland
Audubon Society

Jim Hoff
NOAA Damage Assessment Center
1305 East-West Highway, Bldg. 4
Silver Spring, MD 20910

Dear Mr. Hoff:

The Directors of the Southern Maryland Audubon Society want me to express their support for the proposal to mitigate the loss of more than 550 Ruddy Ducks in the April, 2000 Chalk Point oil spill, by restoration and protection of Ruddy Duck nesting habitat in the prairie pothole region of the upper Midwest.

The Southern Maryland Audubon Society is a chapter of the national Audubon Society that serves about 780 members in Calvert, Charles, St. Mary's, and southern Prince George's Counties. Many of these members participate in winter waterfowl counts on the Patuxent River.

Although the Ruddy Duck is confined to open waters such as reservoirs and tidal estuaries and bays during winter, when it lives in Maryland (Maryland Avifauna Number 2, third edition, 1996, Maryland Ornithological Society, Baltimore), during summer it breeds in marshes adjacent to open water in the northern Great Plains and intermountain West (P. A. Johnsgard, 1975, *Waterfowl of North America*, Indian University Press, Bloomington; F. H. Kortright, 1942, *Ducks, Geese and Swans of North America*, Stackpole Company, Harrisburg, PA). Thus, restoring and protecting prairie pothole marsh breeding habitat would be the most effective way to replace birds lost to the oil spill, and to assure their continued status as winter visitors to Maryland.

Yours sincerely,

Ernest J. Willoughby
President





July 5, 2002

James Hoff, Ph. D.
NOAA Damage Assessment Center
1305 East-West Highway, Bldg. 4
Silver Spring, Maryland 20910
FAX 301-713-4387

RE: Comments of ST Services on Draft Restoration Plan and Environmental Assessment

Dear Dr. Hoff:

ST Services, Inc. concurs in the comments submitted by Pepco on the May 2002 Draft Restoration Plan and Environmental Assessment (DARP) for the Chalk Point oil spill. ST would like to elaborate on several points made by Pepco.

1. It appears that the preferred restoration project for ruddy ducks would involve the acquisition of almost twice as much prairie pothole habitat as is warranted to restore the lost resource associated with mortality to the ducks and foregone production. According to Table 4.4 at page 28, a total of 39 dead ruddy ducks were observed. According to Tables 4.5 and 4.6 at pages 29 and 30, an estimated total of 322 more ruddy ducks died as a result of the spill, either in the field or after release. The DARP also projects that the deaths of these 361 adults resulted in 384 foregone fledged young, which would have yielded 192 adult ducks. Thus, based on these numbers, a total of 553 ruddy ducks were lost.

Using the 553 duck number, time-adjusted to 641 ruddy ducks for which compensatory habitat is needed, the DARP appears to contemplate the restoration of over twice as much prairie pothole habitat as necessary. Thus, the DARP calculates "a required project area of 750 hectares." *Id.* However, based on restoration costs of \$100 per hectare and total restoration costs of \$146,000 (as indicated at page 59 and Table 5.4), it appears that the project involves acquisition of easements and restoration of 1,460 hectares, rather than the 750 hectares needed for compensatory habitat.

Thus, the Restoration Plan should be revised to adjust downward by a factor of approximately 50% the area of the habitat to be acquired. At a minimum, the Restoration

17304 Preston Road, Suite 1000
Dallas, Texas 75252
phone: 972.931.8065
fax: 972.931.6526
jim-siciliano@stservices.net
www.stservices.net

Plan should acknowledge that the ruddy duck habitat project is extremely conservative in terms of over-compensating for the injury.

2. The DARP proposes to restore lost ducks and terrapins through indirect means, i.e., by creating or protecting habitat. ST does not disagree with this approach, though more cost-effective direct methods are available, i.e., a one-time program to prevent predation against terrapin nests and hatchlings and/or acquisition of temporary hunting rights in a given area in order to protect ruddy ducks from depredation during one or more hunting seasons. (That these direct approaches would be more cost-effective is especially true given that the proposed project for creating terrapin habitat would provide .38 hectares of new high beach terrapin nesting area, well over twice as much habitat as the .15 hectares needed to compensate for the injury (DARP at 65), and the proposed project for creating ruddy duck habitat would create almost twice as much as needed).

Nevertheless, ST agrees that it is appropriate to select properly scaled habitat restoration projects to address injury to terrapins and ruddy ducks

However, the DARP improperly goes beyond measurement of the success of habitat creation per se and would impose open-ended habitat utilization criteria (with associated monitoring requirements) as additional performance standards for these restoration projects. Thus, the DARP contemplates monitoring the use of restored prairie pothole habitat by nesting pairs of ruddy ducks and monitoring terrapin nest density on the new beach.

Successful habitat restoration can be engineered, but utilization of the habitats cannot be assured. Thus, if the indirect approach to restoration of lost animals is selected, the results should be measured on that basis, i.e., whether the required amount of habitat has been created or protected. Assuming that new habitat is properly designed, it will mimic the natural environment and habitat utilization will take care of itself, as in nature. (Note that, while one of the restoration objectives of the tidal marsh creation is to promote muskrat habitat, the DARP properly does not include measuring muskrat productivity.)

3. In any event, design and performance criteria for the restoration projects, including habitat restoration, should not be specified in the Restoration Plan. Attempting to incorporate detailed performance criteria in the Restoration Plan is premature. Details of the design of these projects are still being developed. ST anticipates negotiation of a Consent Decree concerning RP implementation or funding of the restoration plan. The Trustees should retain flexibility to determine design and performance criteria in the context of a Consent Decree, in which agreed (and enforceable) criteria can be specified in detail.

* * * * *

In addition to the foregoing technical comments, it is factually inaccurate to say that “at the time of the spill, the pipeline was . . . operated by Support Terminal (ST) Services.” DARP at 1. ST does not agree that it was the sole operator of the pipeline.

Please note also that ST has voluntarily participated in the natural resource damage assessment process. Despite contrary references in the DARF, ST Services does not agree or admit that it is a "Responsible Party" or "RP" for purposes of liability under the Oil Pollution Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "James A. Siciliano".

James A. Siciliano

General Manager – Environmental, Health and Safety